

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

PHASE FOUR INDUSTRIES, INC.,
Plaintiff,
v.
MARATHON COACH, INC.,
Defendants.

Case No.: C-04-04801 JW (PVT)

ORDER TO MEET AND CONFER

Defendant Marathon Coach, Inc. (“Marathon Coach”) has filed a motion to compel discovery, including documents and interrogatory responses. Nothing in the moving papers indicates whether the parties have met and conferred in good faith prior to the filing of the motion, as required by Fed. R. Civ. P. 37(a)(2)(A) and Civil Local Rules 37-1(a) and 1-5(n).

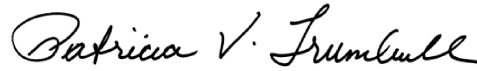
IT IS HEREBY ORDERED that the parties meet and confer in good faith to resolve or narrow the issues raised in defendant Marathon Coach’s motion to compel no later than May 19, 2006. Under Civil L.R. 1-5(n), “meet and confer” or “confer” means to communicate directly and discuss in good faith the issue(s) required.” A conference may take place in a face to face meeting or by telephone, but written, electronic, or voice-mail communication does not satisfy the requirement. Civil L.R. 1-5(n).

IT IS FURTHER ORDERED that the parties submit a joint statement of remaining

1 disputed discovery requests no later than May 24, 2006; and

2 IT IS FURTHER ORDERED that the parties appear for hearing on May 30, 2006 at
3 10AM.

4 Dated: 5/15/2006



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6 PATRICIA V. TRUMBULL
United States Magistrate Judge